

Considered: _____

WATER PERMIT NO. 5546-3

Phone: 677-5341

Name of Applicant: University of South Dakota/Physical Plant

Post Office Address: 414 East Clark St, Vermillion SD 57069-2390

Amount of Water Claimed: no add'l (0.77) Total Acres: 28.2 add'l

Source of Water Supply: groundwater

Water to be used for: irrigation County: Clay

About _____ miles _____ of _____

PROOF OF PUBLICATION: Received _____ Not Received _____

APPLICATION: Approved _____ Subject to _____

F.F. & C/.L. Adopted _____ Not Approved _____ Deferred _____

PRIORITY _____ Date Received: 12-1-88 Fee: NA Remarks Add'l acreage

on Water ^{Right} ~~Permit~~ No. 4424-3

Corrected Application Received _____ Period of Annual Use June 1 - Sept 30

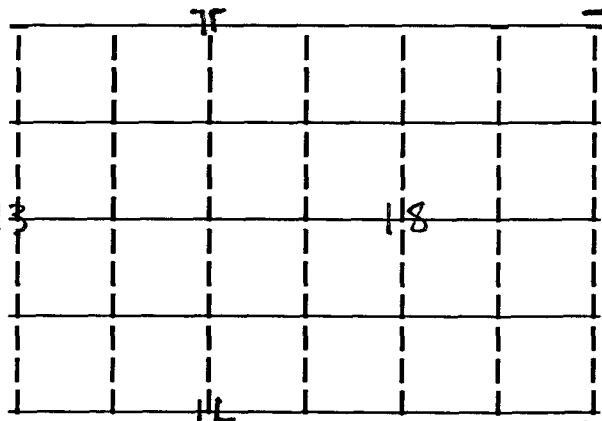
WATER QUALITY APPROVAL RECEIVED 4-22-91 APPROVED/CONDITIONAL (Circle one)

WI-1 Description same as Application YES X NO _____ REMARKS _____

Diversion Point: NW 1/4 NW 1/4 Sec 18-T92N-R51W

Land to be Irrigated: W 1/2NW 1/4 Sec 18-T92N-R51W

NE 1/4 NE 1/4, SE 1/4 NE 1/4 Sec 13-T92N-R52W



Well Log: Driller: Layne Western Co. Licensed YES X NO _____

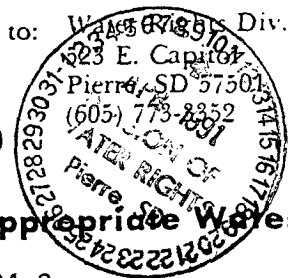
Depth of Well: 200' REMARKS _____

Type of Map: plat PREPARED BY: Joseph W Gillen Reviewed and the Number

Assigned on 4-24-91 By Karen Schlaak

(See instructions)

No. 5546-3 Hydrologic Unit 10170102
Basin Vermillion River
Newspaper Vermillion Plain, Talk, Box 256 (Thurs)



Application For Soil/Water Compatibility Permit and Permit To appropriate Water

- Application: ☒ New ☐ Vested Right ☐ Amend Permit No. 4424-3
☐ Change Acreage ☐ Change diversion point(s) ☐ Add diversion point(s)
☒ Add Acreage ☐ Increase diversion rate ☐ Other _____

1. Name of Applicant University of South Dakota/Physical Plant Phone No. 677-5341

Post Office Address 414 East Clark Street Vermillion State SD 57069-2390
(Street, RR or Box) (City) Zip Code

2. Amount of water claimed (c.f.s) XXXX no add'l Total acres irrigated XXXXXX 54 Future 82.2 add'l

3. Source of Water supply 1 Deep well

4. Location of point of diversion At a point 820' South and 255' East of Northwest corner of NW 1/4 NW 1/4 Section 18, T92N, R51W

County Clay

5. Counties where water will be used Clay

6. Annual period during which water is to be used June-September

7. List below each forty acre subdivision, or lot, or fraction thereof and show number of acres to be irrigated in each.

Land Description	No. Acres Irr.
NW 1/4, NW 1/4, NW 1/4, Sec 18, T92N, R51W	18.8
SW 1/4, NW 1/4, NW 1/4, Sec 18, T92N, R51W	26.7

W 1/2 NW 1/4 18-92-51 5.5

Attach sheet if more space is needed

Land Description	No. Acres Irr.
NE 1/4, NE 1/4, Sec 13, T92N, R52W	19.3
SE 1/4, NE 1/4, Sec 13, T92N, R52W	3.7

8. Type of Irrigation: Gravity: _____ Towline: _____ Center Pivot: _____ Gun: _____ Other: Sprinkler head (Specify)

9. Crops to be Irrigated: Lawn

10. Give a description of proposed project. (Attach sheet if more space is needed)

Increase area irrigated from 54 acres to 82.2 acres. Area to be irrigated is W 1/2, NW 1/4, Sec 18, T92N, R51W except east 440' of lots 3A & 3B and NE 1/4, NE 1/4, NE 1/4, Sec 13, T92N, R51W and NW 1/4, SE 1/4, NE 1/4 except south 400', Sec 13, T92N, R51W.

Attachments: Attach Form 2A if diversion from a well or dugout, or if storage of water, is proposed. Attach maps, soils information and any other technical information.

STATE OF SOUTH DAKOTA)
County of Clay) ss

I, R.L. Storm, the applicant, certify that I have read this application and examined the attached maps, that the water sample, if needed, has been taken by the required procedures and has not been adulterated or tampered with and is truly representative of the water to be used, and that the matters stated in this application are true and correct.

Signed R.L. Storm

Subscribed and sworn to before me this 29th day of November 1988

Margaret L. Nyberg
Notary Public

SOUTH DAKOTA
WATER PERMIT No. 5546-3 FOR IRRIGATION

Date of first receipt of application December 1, 1988.
Date Soil/Water Compatibility Permit received April 22, 1991.
Date of return to applicant for corrections, amendments or changes
December 12, 1988.
Date of receipt of corrected application April 10, 1991.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 5546-3 to the University of South Dakota, Physical Plant, 414 East Clark Street, Vermillion SD 57069-2390 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 5546-3 authorizes irrigation of an additional 28.2 acres. Water Right No. 4424-3 appropriates 0.77 cubic feet of water per second from one well (Lower Vermillion Missouri Aquifer) 250 feet deep located in the NW 1/4 NW 1/4 Section 18 to irrigate 54 acres located in the W 1/2 NW 1/4 Section 18; all in T92N-R51W and the NE 1/4 NE 1/4 Section 13-T92N-R52W. This permit authorizes irrigation of 28.2 additional acres located in the W 1/2 NW 1/4 Section 18-T92N-R51W and the E 1/2 NE 1/4 Section 13-T92N-R52W from the existing well.
2. The amount of the appropriation may not exceed 2 acre feet annually for each acre of land to which water is actually and beneficially applied for irrigation. The water is to be used during the following described annual period: June 1 - September 30.
3. The date from which applicant may claim right is April 10, 1991.
4. The date of approval of Permit No. 5546-3 is July 24, 1991.
5. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Approval of Permit No. 5546-3 does not authorize any increase in the 0.77 cfs diversion rate.

WATER MANAGEMENT BOARD

By: 
Chief Engineer, Water Rights Division
Department of Environment and Natural Resources

SEP 16 1991

date

Supplemental Information

(type or print in ink)



1. Well Information - Proposed construction

- a) Drill Hole Diameter 18" Depth 200
- b) Casing Type Steel Diameter 10" Thickness Schedule 40
- c) Screen Type S.S. Diameter 10" Thickness 20'
- d) Gravel Pack Thickness _____ Length of Gravel Pack 30'
- e) Depth to Top of Water Bearing Material 150'
- f) Depth to Water (ground surface to water level) 100'
- g) Distance to nearest existing domestic well:
 On applicants property N. A. On property owned by others Unknown; at least 1500'

2. Dugout Information Estimates

- a) Surface Dimensions _____ Depth _____
- b) Depth to water (ground surface to water level) _____

3. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below. The locations of each dam should be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam please give their name and address

b) Freeboard _____

c) Crest Width _____

Crest Length _____

d) Height _____

e) Primary Outlet Capacity _____
 If Pipe, diameter _____

f) Secondary Spillway Capacity _____
 Spillway width _____

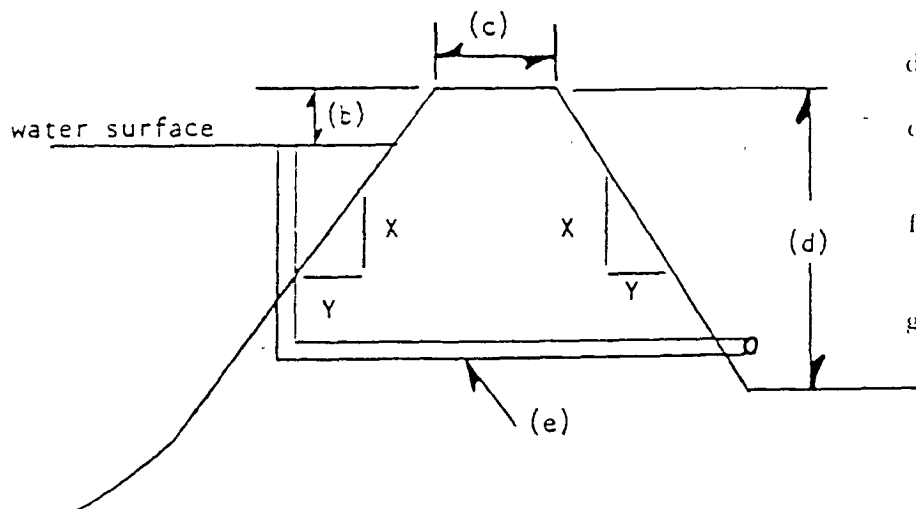
g) X & Y Slope
 Upstream _____

Downstream _____

Surface Area of Impoundment _____

Storage _____ acre feet

Drainage area above dam _____



 Signature of Applicant

Soil/water permits will be recorded by the Department of Agriculture, with the County Register of Deeds.



Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

WATER RIGHTS DIVISION
(605) 773-3352

November 17, 1988

University of South Dakota Physical Plant
414 East Clark Street
Vermillion, South Dakota 57069

ATTENTION: Luann Ouellette

Dear Ms. Ouellette:

Enclosed is a set of application forms and instruction sheet for applying for a water permit. If you have any questions, please contact us.

Sincerely,

Genny McMath
Natural Resources Analyst

GM:ms
Enc.





Department of Water & Natural Resources

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

December 12, 1988

University of South Dakota
414 East Clark Street
Vermillion, SD 57069

ATTENTION: Luann Ouellette

Dear Ms. Ouellette:

This is in response to the water permit applications received from you on December 1, 1988.

The applications are incomplete for the following reason(s):

- (1) The locations of the wells and the acreage to be irrigated needs to be clearly shown on the enclosed maps submitted with each of the applications. In addition, the maps need to be signed by either a South Dakota Registered Professional Engineer, a South Dakota Licensed Land Surveyor, or by a government employee who normally prepares maps as part of his duties (see enclosed instruction sheet).
- (2) Well logs, if available, need to be submitted with the applications for each of the wells.
- (3) The amount of water claimed (question no. 2) on the enclosed application forms is identical to those found on the existing permits you wish to add acreage to. According to South Dakota Water Law, the maximum amount of water you can claim for irrigation is 1 cubic foot per second for each 70 acres irrigated. Using this figure, you could increase the pumping rates as follows:

** 7.25 acres add'l to #1293-3 ----- 0.10 cfs for a total of 0.16 cfs (approx. 72 gpm total)

** 28.2 acres add'l to #4424-3 ----- 0.40 cfs for a total of 1.17 cfs (approx. 525 gpm total)

Please indicate whether or not you wish to apply for additional water or if the existing amount of water you use is enough to cover the additional acreage.



December 12, 1988

USD

page 2

The Water Management Board cannot consider a water permit application until it is complete. Please return the enclosed maps with the well locations and acreages to be irrigated clearly outlined and the required signatures, well logs, and the enclosed applications with any changes you wish to make.

Please feel free to call if you have any questions.

Sincerely,



Susan A. Bowar
Natural Resources Engineer
Water Rights Division

enclosures



DEPARTMENT OF WATER & NATURAL RESOURCES

Joe Foss Building
523 East Capitol
Pierre, South Dakota 57501-3181

March 7, 1991

University of South Dakota
Physical Plant
414 East Clark Street
Vermillion SD 57069

Dear Sir:

On December 1, 1988, the University submitted two applications for permits to appropriate water for irrigation of additional acreage than what is currently covered by Water Right Nos. 4424-3 and 1293-3. You were notified at that time that the applications were incomplete and were instructed what additional information was necessary in order to complete the applications. To date, we have not received a response from you.

Enclosed are new application forms and an instruction sheet for applying for the permits. Copies of the University's two existing Water Right Nos. 4424-3 and 1293-3 are also enclosed. Applications need to be submitted for any use or irrigation in addition to what is specified on Water Right Nos. 4424-3 and 1293-3.

Obtaining a water permit ultimately benefits you by protecting your right to use water. Except for domestic use, any water user without a water right is not entitled to receive protection in the event of interference by a new or future user who has a water right.

Pursuant to South Dakota Codified Laws 46-1-15, 46-5-9, 46-5-10 and 46-2-18, you must have a water permit prior to using water.

Please respond by completing the application form or contacting me by May 1, 1991.

Sincerely,

Eric Gronlund
Water Rights Division
Phone: (605) 773-3352

enclosure

REPORT ON APPLICATION NOS. 5545-3 & 5546-3
for the University of South Dakota
June 7, 1991

Application No. 5545-3 proposes to irrigate an additional 7.25 acres. Water Right No. 1293-3 appropriates 0.06 cfs from one well 152 feet deep located in the SW 1/4 NW 1/4 of section 18 to irrigate 2.5 acres located in the SW 1/4 NW 1/4 of section 18; all in T92N R51W. This application is to irrigate 7.25 additional acres located in the W 1/2 NW 1/4 of section 18, T92N R51W from the existing well. This application, if approved, does not authorize any increase in the diversion rate.

Application No. 5546-3 proposes to irrigate an additional 28.2 acres. Water Right No. 4424-3 appropriates 0.77 cfs from one well 250 feet deep located in the NW 1/4 NW 1/4 of section 18 to irrigate 54 acres located in the W 1/2 NW 1/4 of section 18; all in T92N R51W and the NE 1/4 NE 1/4 of section 13, T92N R52W. This application is to irrigate 28.2 acres located in the W 1/2 NW 1/4 of section 18, T92N R51W and the E 1/2 NE 1/4 of section 13, T92N R52W from the existing well. This application, if approved, does not authorize any increase in the diversion rate. Both applications are entirely in Clay County.

AQUIFER - LOWER VERMILLION MISSOURI ^{LVM}
(LJM)

The Lower Vermillion Missouri is a buried glacial outwash (sand and gravel) under predominantly water table conditions in this area. The Lower Vermillion Missouri underlies 100,800 acres and contains an estimated 1.5 million acre feet of recoverable water in Clay County (Hedges, 1982). The aquifer is hydraulically connected to the Vermillion River, the Lower James Missouri aquifer, the Missouri Elk Point Aquifer, the Missouri River and also extends into Turner and Union counties. Water levels for observation wells completed into the aquifer show good correlation with climatic conditions, that is, rising during wet years (recharge) and gradually declining during dry years (Water Rights, 1991).

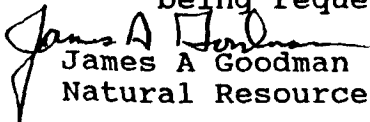
REVIEW OF EXISTING WATER PERMITS/RIGHTS

There is one other existing Water Right No. 1035-3 in this immediate area which authorizes a diversion of 0.54 cfs for irrigation of 38.48 acres. The well for this Water Right is within 1/2 mile of the diversion points for these applications. Interference is not expected to be a problem. These wells have been in use for many years with no apparent problems.

CONCLUSIONS

1. Water is available from the Lower Vermillion Missouri aquifer.
2. The aquifer is under water table conditions and interference is not expected to be a concern.

3. These are existing wells. No increase in diversion rates are being requested only a change in irrigated acreage.


James A Goodman

Natural Resources Engineer

BIBLIOGRAPHY

Hedges, L.S., 1982, Evaluation of Ground-Water Resources Eastern SD and Upper Big Sioux River, SD and Iowa, for US Army Corps of Engineers, SD DENR, SDGS, Vermillion, SD, 57069.

Water Rights, 1991, Observation Well Records for the Lower Vermillion Missouri Aquifer in Clay County, SD DENR, Div. of Water Rights, Pierre, SD, 57501.

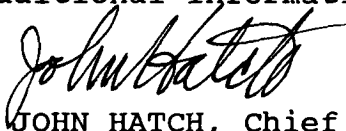
RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 5546-3, University of South Dakota

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Division, Department of Environment and Natural Resources concerning Water Permit Application No. 5546-3, University of South Dakota, 414 East Clark St., Vermillion, SD 57069-2390.

The Chief Engineer is recommending APPROVAL of Application No. 5546-3 because 1) there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use and 4) in the public interest with the following qualifications:

1. The wells approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
2. This permit is approved subject to the irrigation water use questionnaire being submitted each year.
3. Approval of Permit No. 5546-3 does not authorize any increase in the 0.77 cfs diversion rate.

See report on application for additional information.



JOHN HATCH, Chief Engineer
June 10, 1991



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER RIGHT AWAY.**

June 18, 1991

Richard Storm
University of South Dakota/Physical Plant
414 E. Clark St.
Vermillion, SD 57069-2390

Dear Mr. Storm:

Water Permit Application Nos. 5545-3 and 5546-3 for irrigation use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice of hearing has been sent to the Publisher of the Vermillion Plain Talk printed at Vermillion, SD. For your information, a copy of the notice, the recommendations of the Chief Engineer and a report on the applications are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper to authorize publication of your Notice of Hearing and to arrange for payment. Early contact with the paper can eliminate delays. The publisher has been instructed to publish your notice once each week for two consecutive weeks with the last publication to occur twenty days before the board meeting. The newspaper has been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the applications.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

June 18, 1991

Vermillion Plain Talk
Box 256
Vermillion, SD 57069

ATTENTION: Legal Department

Enclosed is a Notice of Hearing on Application Nos. 5545-3 and 5546-3 to be published twice. Please publish the first notice on June 27, 1991 with the second publication 7 days later.

The APPLICANT MUST VERIFY TO YOU THAT THE NOTICE IS TO BE PUBLISHED, before you make the first publication. Please BILL the APPLICANT for the cost of publication. The APPLICANT is University of South Dakota/Physical Plant, 414 East Clark St., Vermillion, SD 57069-2390.

A copy of BOTH publications must be SENT to the WATER RIGHTS DIVISION. IMMEDIATELY return the FIRST publication with the FIRST Transmittal form on the bottom of this page. The first copy is needed to check the publication for errors so any corrections can be made in the second publication. Publication errors can invalidate the public notice and cause the applicant costly delays.

Please be sure the SECOND publication is returned IMMEDIATELY with the enclosed Proof of Publication form. DO NOT WAIT until the end of the month or the billing cycle. No action may be taken on the permit application until proof of publication has been received.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures

-----CUT HERE-----

FIRST TRANSMITTAL NOTICE

TO: Eric Gronlund
Water Rights Division
Joe Foss Building
Pierre SD 57501-3181

No. _____

Date _____

We are in receipt of your letter of _____ enclosing Notice of Hearing to Appropriate Water by Application No. _____ which was first published in our issue of _____. ENCLOSED IS A COPY OF THIS FIRST PUBLICATION.

Name

Newspaper

Instruction to Newspaper - Publish first Notice on or before June 27, 1991 with the second publication 7 days later. The applicant is responsible for payment.

NOTICE OF HEARING on Application Nos. 5545-3 and 5546-3 to Appropriate Water

Notice is given that the University of South Dakota/Physical Plant, 414 E. Clark St., Vermillion, SD 57069-2390 has filed applications for water permits.

Water Permit Application No. 5545-3 is to irrigate an additional 7.25 acres. Water Right No. 1293-3 appropriates 0.06 cubic feet of water per second (cfs) from one well (Lower Vermillion Missouri Aquifer) 152 feet deep located in the SW 1/4 NW 1/4 Section 18 to irrigate 2.5 acres located in the SW 1/4 NW 1/4 Section 18; all in T92N-R51W. This application is to irrigate 7.25 additional acres located in the W 1/2 NW 1/4 (Lots 3A & 3B) Section 18-T92N-R51W from the existing well. This application, if approved, does not authorize any increase in the diversion rate.

Water Permit Application No. 5546-3 is to irrigate an additional 28.2 acres. Water Right No. 4424-3 appropriates 0.77 cfs from one well (Lower Vermillion Missouri Aquifer) 250 feet deep located in the NW 1/4 NW 1/4 Section 18 to irrigate 54 acres located in the W 1/2 NW 1/4 Section 18; all in T92N-R51W and the NE 1/4 NE 1/4 Section 13-T92N-R52W. This application is to irrigate 28.2 additional acres located in the W 1/2 NW 1/4 Section 18-T92N-R51W and the E 1/2 NE 1/4 Section 13-T92N-R52W from the existing well. This application, if approved, does not authorize any increase in the diversion rate.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application Nos. 5545-3 and 5546-3 because 1) unappropriated water is available, 2) existing rights will not be unlawfully impaired, 3) it is a beneficial use of water, and 4) it is in the public interest. Unless a petition is filed opposing the applications or the applicant files a petition contesting the chief engineer's recommendation, the Water Management Board will NOT CONDUCT a HEARING to consider these applications and the chief engineer will issue the permits as recommended. Petitions filed in support of the applications will NOT require the Board to hear the applications.

Any person interested in opposing or supporting these applications must file a written petition with BOTH the applicant and Chief Engineer. The applicant must also file a petition if opposed to the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Division, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by July 15, 1991. The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the applications, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained.

For purposes of publishing 1) the notice of hearing on Application Nos. 5545-3 and 5546-3 and 2) the chief engineer's recommendation, a Board meeting is scheduled for July 24, 1991, at 10:00 am in Kneip Room, Governors Inn, 700 W. Sioux Ave., Pierre SD. If these applications are opposed or the recommendation is contested, the July 24, 1991 hearing date may be rescheduled for another Board meeting. If the hearing is rescheduled, notice of the time and place will be given by First Class Mail to the applicant and persons filing petitions. Anyone not filing a petition, but interested in attending the hearing, may contact the Division of Water Rights to confirm a hearing date and location. The July 24, 1991 hearing date will be automatically delayed for at least 20 days upon written request to the Chief Engineer from the applicant or any interested person opposing the application. The request for an automatic delay must be filed by July 15, 1991.

If a hearing is held, the Chief Engineer's recommendation is not final or binding upon the Board. The Board is authorized to 1) approve, 2) approve with qualifications, 3) defer, or 4) deny these applications based on the facts presented at the public hearing. Any

hearing will be an adversary proceeding. Any person filing a petition and/or the applicant have the right to be represented by a lawyer and may present evidence or cross-examine witnesses according to SDCL 1-26. These and other due process rights will be forfeited if not exercised. Decisions of the Board may be appealed to the Circuit Court and State Supreme Court as provided by law. Contact the Water Rights Division to request copies of information pertaining to these applications or to assure access to the hearing by the handicapped.

These applications are made pursuant to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru 46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13, 46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12, 46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11, 46-5-13 thru 46-5-15, 46-5-24, 46-5-25, 46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3, 46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14, 46-6-26; and Board Rules ARSD 74:02:01:01 thru 74:02:01:15.

PROOF OF PUBLICATION

STATE OF SOUTH DAKOTA)
County Clay) ss.



I, Kristin Cownie
certify that the attached printed Notice was taken
from the Plain Talk

A newspaper which during the whole time of publication of
said notice herein after stated, has been and is printed and
published in the _____

City _____ of Vermillion

County of Clay and State of South Dakota;
that the said notice was published in said newspaper on the
following two dates:

6-28-91

7-04-91

Kristin Cownie
(Signature)

Secretary
(Title)

7-4-91

(Date Signed)

Cost of Printing: \$66.22

5-88

NOTICE OF HEARING

on Application Nos. 5545-3 and 5546-3
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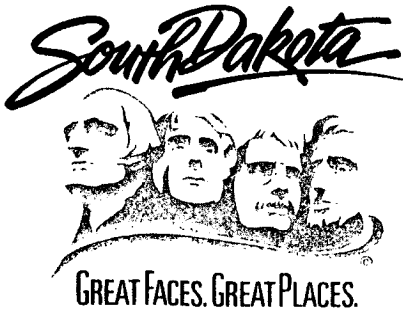
Pursuant to SDCL 46-2A-2, the Chief
Engineer recommends APPROVAL of
Application Nos. 5545-3 and 5546-3
because 1) unappropriated water is avail-
able, 2) existing rights will not be unlaw-
fully impaired, 3) it is a beneficial use of
water, and 4) it is in the public interest.
Unless a petition is filed opposing the ap-
plications or the applicant files a petition
contesting the chief engineer's recom-
mendation, the Water Management Board will
NOT CONDUCT a HEARING to con-
sider these applications and the chief
engineer will issue the permits as recom-
mended. Petitions filed in support of the
applications will NOT require the Board
to hear the applications.

Any person interested in opposing or
supporting these applications must file a
written petition with BOTH the applicant
and Chief Engineer. The applicant must
also file a petition if opposed to the Chief
Engineer's recommendation. The Chief
Engineer's address is "Water Rights Divi-
sion, Foss Building, 523 E. Capitol, Pierre,
SD 57501 (605-773-3352)" and the appli-
cant's mailing address is given above. A
petition filed by either an interested per-
son or the applicant must be filed by July
15, 1991. The petition may be informal,
but must include a statement describing
the petitioner's interest in the application,
the petitioner's reasons for opposing or
supporting the applications, and the
signature and mailing address of the peti-
tioner or the petitioner's legal counsel, if
legal counsel is obtained.

For purposes of publishing 1) the notice
of hearing on Application Nos. 5545-3 and
5546-3 and 2) the chief engineer's recom-
mendation, a Board meeting is scheduled
for July 24, 1991, at 10:00 a.m. in Kneip
Room, Governors Inn, 700 W. Sioux Ave.,
Pierre, SD. If these applications are op-
posed or the recommendation is con-
tested, the July 24, 1991 hearing date may
be rescheduled for another Board meeting.
If the hearing is rescheduled, notice of the
time and place will be given by First Class
Mail to the applicant and persons filing
petitions. Anyone not filing a petition, but
interested in attending the hearing, may
contact the Division of Water Rights to
confirm a hearing date and location. The
July 24, 1991 hearing date will be auto-
matically delayed for at least 20 days
upon written request to the Chief Engi-
neer from the applicant or any interested
person opposing the application. The re-
quest for an automatic delay must be filed
by July 15, 1991.

If a hearing is held, the Chief Engineer's
recommendation is not final or binding
upon the Board. The Board is authorized
to 1) approve, 2) approve with qualifica-
tions, 3) defer, or 4) deny these applica-
tions based on the facts presented at the
public hearing. Any hearing will be an
adversary proceeding. Any person filing
a petition and/or the applicant have the
right to be represented by a lawyer and
may present evidence or cross-examine
witnesses according to SDCL 1-26. These
and other due process rights will be
forfeited if not exercised. Decisions of the
Board may be appealed to the Circuit
Court and State Supreme Court as pro-
vided by law. Contact the Water Rights
Division to request copies of information
pertaining to these applications or to
assure access to the hearing by the
handicapped.

These applications are made pursuant
to SDCL 46-1-1 thru 46-1-9, 46-1-12 thru
46-1-16; 46-2-3.1, 46-2-9, 46-2-11, 46-2-13,
46-2-17; 46-2A-1 thru 46-2A-10, 46-2A-12,
46-2A-14, 46-2A-15; 46-5-1 thru 46-5-11,
46-5-13 thru 46-5-15, 46-5-24, 46-5-25,
46-5-30.2, 46-5-30.4, 46-5-31; 46-6-3,
46-6-3.1, 46-6-6.1, 46-6-10, 46-6-13, 46-6-14,
46-6-26; and Board Rules ARSD
74:02:01.01 thru 74:02:01:15.
Publish: June 2nd & 3rd & 4th, 1991



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3181

SEP 16 1991

R.L. Storm
University of South Dakota
Physical Plant
414 E Clark St
Vermillion, SD 57069-2390

Dear Mr. Storm:

Enclosed are Water Permit Nos. 5545-3 and 5546-3 authorizing construction of the water systems and the application of water beneficial use, not exceeding the limits as specified in the Water Permits.

We will schedule an inspection so that the Water Licenses may be issued to you, thus completing your acquisition of a Water Right.

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Division
605 773-3352

enclosures

Permit No. 5546-3
Vermillion River - Water District

Report Of Examination Of Works And/Or Application of Water To Beneficial Use

TO: Chief Engineer, Water Rights Program, DENR, Foss Bldg., Pierre, SD 57501

I have this day, June 30, 1993 made a thorough examination of the water use system constructed by the University of South Dakota of Physical Plant, 414 E. Clark St., Vermillion SD 57069-2390 holder of Permit No. 5546-3 and License No. 4424-3, bearing the priority of April 10, 1991 and July 19, 1979 authorizing the diversion of 0.77 cu. ft. per second of the waters of Lower Vermillion Missouri Aquifer for irrigation purposes, in Clay County.

I have to report on the conditions of the same as follows:

A. Works used to divert the water:

One well 250 feet deep with 230 feet of 10 inch steel casing with 212 feet of 8 inch steel casing inside; 20 feet of stainless steel screen; well capacity 100 gpm; Layne Minnesota submersible pump with a 425 gpm capacity and a submersible motor rated at 40 hp. Capacity of the well is 275 gpm.

B. Works used to transport water to place of use:

2½ inch hose and 1700 feet of 4 inch aluminum pipe.

C. Works used to apply water to beneficial use:

Kipko hose reel irrigator (traveling gun) and a nozzle that covers 80 feet. Also use 4 inch aluminum set lines with 30 foot sprinkler spacing.

The system is in the following condition good. The point of diversion is located 820' S and 255' E of the NW corner Section 18, T92N, R51W. The works are capable of diverting and conveying to the place of use 0.61 cu. ft. per second of water which is to be used for irrigation. Water has been put to beneficial use to the maximum extent as follows:

Section 18, T92N, R51W:

NW¼ NW¼ 5 acres priority date July 19, 1979

SW¼ NW¼ 6.3 acres priority date July 19, 1979

Section 13, T92N, R52W:

NE¼ NE¼ 14 acres priority date July 19, 1979

NE¼ NE¼ 4.5 acres priority date April 10, 1991

18.5

SE¼ NE¼ 1.2 acres priority date April 10, 1991

comprising a total of 31 acres of land and the license should be issued for 0.443 cfs.

Applicable permit qualifications have been complied with: yes

Exceptions to compliance are: none

Lynn Beck
Lynn Beck

8-25-97
Date

Natural Resources Engineer
DENR, Water Rights Program

REPORT ON INSPECTION OF PERMIT NO. 5546-3

DATE OF INSPECTION: 6-30-93

Other permit(s) associated with the project: License No. 4424-3

NAME & ADDRESS OF INSPECTION CONTACT: John Jordt

RELATIONSHIP TO PERMIT HOLDER, IF APPLICABLE: USD Physical Plant Manager

NAME & ADDRESS OF PERMIT HOLDER: University of South Dakota, Physical Plant, 414 E. Clark St., Vermillion SD 57069-2390

DIVERSION POINT LEGAL LOCATION: NW¹/₄ NW¹/₄ Section 18, T92N, R51W 820' S and 255' E of the NW corner Section 18.

WELL INFORMATION:

- 1) Well Drilling Firm: unknown
- 2) No. of Wells 1
- 3) Depth(s) 250 feet
- 4) Well log is available no

Casing:

- 1) Diameter 10" with 8" inside.
- 2) Length 230' of 10" and 212' of 8" inside.
- 3) Type steel

Screen:

- 1) Type stainless steel
- 2) Length 20 feet
- 3) Static water level 100 feet

Pump:

- 1) Make Layne Minnesota submersible
- 2) Model #
- 3) Size #
- 4) Capacity 425 GPM

Motor:

- 1) Make submersible
- 2) Model No. #
- 3) Horsepower rating 40 hp

DISTRIBUTION LINES OR CANALS:

- 1) Type aluminum 2) Size 4 inches 3) Length 1700 feet
- 1) Type plastic 2) Size 2 inches 3) Length # feet

SYSTEM TYPE:**Set lines:**

- 1) Pipe type aluminum
- 2) Pipe diameter 4 inches
- 3) Sprinkler spacing 30
- 4) Capacity # GPM

Traveling gun:

- 1) Hose diameter 2½
- 2) Nozzle coverage 80
- 3) Capacity # GPM

CHEMIGATION EQUIPMENT:

- 1) Does chemigate no

PERMIT QUALIFICATIONS AND REGULATIONS:

- 1) Special qualifications to permit being abided by yes
- 2) All structures, wells and lands on map yes
- 3) Irrigation Questionnaires checked to determine if permit owner started irrigation by the end of construction period yes

STATE OF SOUTH DAKOTA

WATER LICENSE NO. 5546-3

(1) University of South Dakota, Facilities Management, 414 E Clark St, Vermillion SD 57069-2390 made Application No. 5546-3, December 1, 1988 for a water permit to irrigate additional acreage from groundwater (one existing well), Clay County, South Dakota for irrigation purposes. Permit No. 5546-3, with a priority date of April 10, 1991 was approved July 24, 1991 and issued to the applicant for diversion of water with construction of the described water supply system completed and the application to beneficial use of said water completed.

Water Right No. 4424-3 authorized 0.77 cubic feet of water per second from one well to irrigate 54 acres. Water Permit No. 5546-3 was obtained to irrigate an additional 28.2 acres from the well authorized by No. 4424-3 with no increase in the diversion rate. An investigation found that a total of 31 acres being irrigated. The applicable portions of Water Right No. 4424-3 have been incorporated into Water Permit No. 5546-3.

(2) It is certified that the applicant has complied with the provisions of South Dakota State Law relating to completion of the construction of the water supply system and is entitled to divert 0.443 cubic feet of water per second for beneficial use. The location of the diversion point is 820 feet south and 255 feet east of the northwest corner of Section 18-T92N-R51W (NW 1/4 NW 1/4).

(3) The applicant has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use to irrigate the following land:

Section 18-T92N-R51W		
NW 1/4 NW 1/4	5.0 acres	July 19, 1979 priority date
SW 1/4 NW 1/4	6.3 acres	July 19, 1979 priority date
Section 13-T92N-R52W		
NE 1/4 NE 1/4	14.0 acres	July 19, 1979 priority date
NE 1/4 NE 1/4	4.5 acres	April 10, 1991 priority date
SE 1/4 NE 1/4	1.2 acres	April 10, 1991 priority date
Total	31.0 acres	

(4) Pursuant to South Dakota Water Law 46-5-30.1 University of South Dakota, Facilities Management, 414 E Clark, Vermillion SD 57069-2390 the holder and/or owner of Incorporated Water Permit No. 5546-3 is issued a license to appropriate water, the right to use 0.443 cubic feet of water per second from groundwater (one well) with priority dates of July 19, 1979 and April 10, 1991 from the location specified in (2) of this license. The water to be conducted to and upon lands specified in (3) of this license for the purpose of irrigation. This license is subject to any limitations or qualifications listed in Incorporated Water Permit No. 5546-3 and subject to South Dakota State Law.

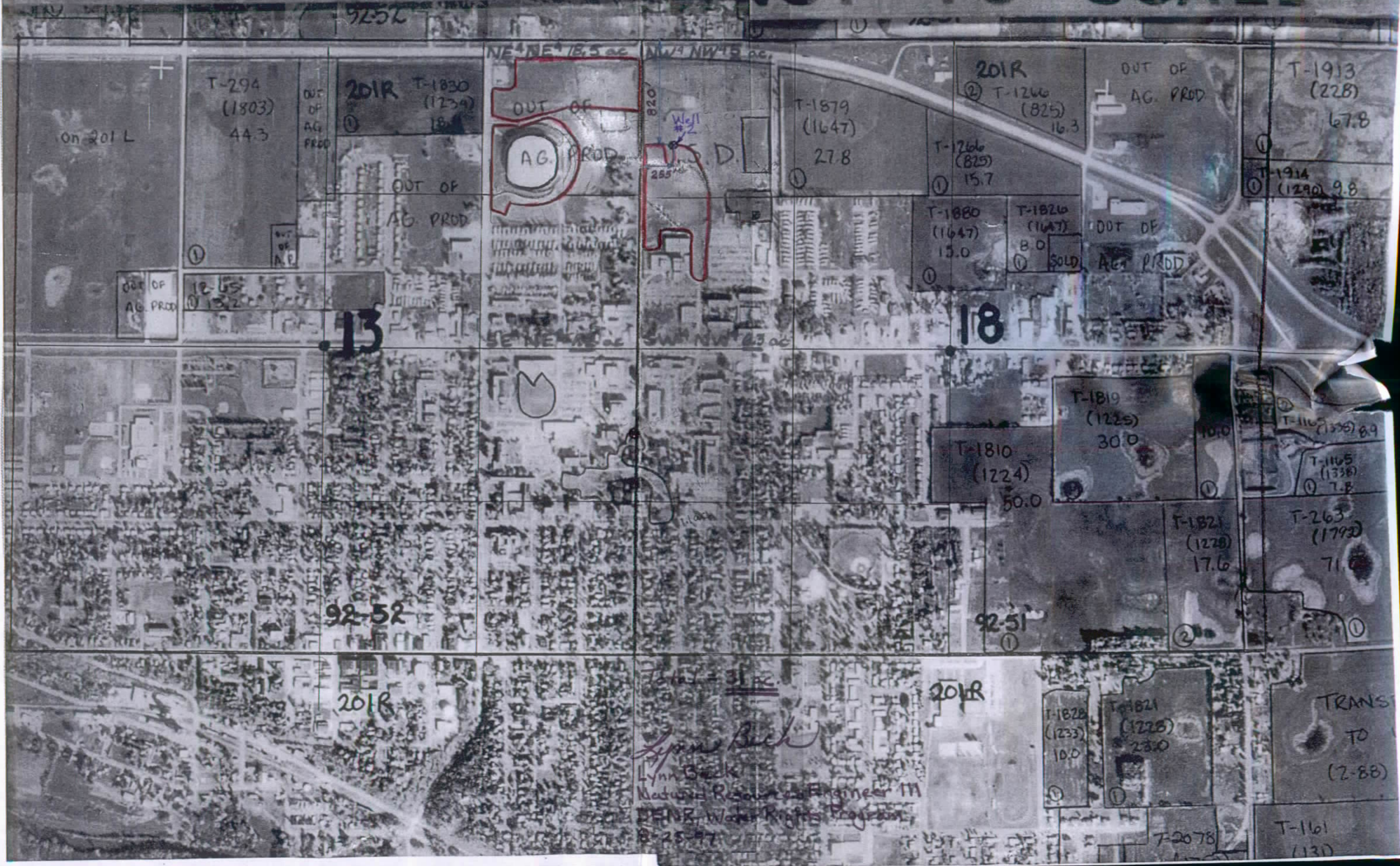

JOHN HATCH, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

FEB 27 1998
date



NOT TO SCALE

NOT TO SCALE





**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3181

FEB 27 1998

6021-3
5545-3
5546-3

University of South Dakota
c/o Kenneth Schmidt, Director Facilities Mgmt.
414 E Clark Street
Vermillion SD 57069-2390

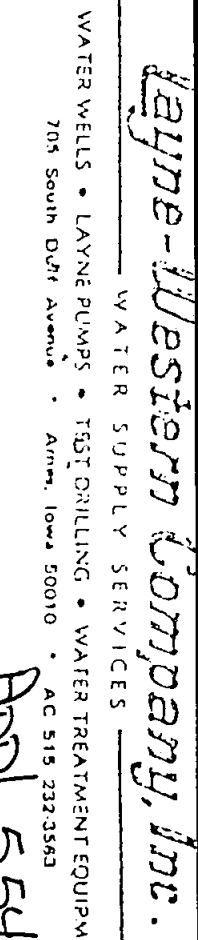
Dear Mr. Schmidt:

Enclosed are Vested Water Right No. 6021-3, Vested Water Right License No. 6021-3, Water License No. 5545-3 and Water License No. 5546-3. These documents complete the process of obtaining water rights for the University of South Dakota.

As long as the University uses the water beneficially, as stated in the Water Licenses, State Water Laws provide that you have a continuing right to use the water

Very truly yours,

JOHN HATCH, Chief Engineer
Water Rights Program
605 773-3352



WATER WELLS • LAYNE PUMPS • TEST DRILLING • WATER TREATMENT EQUIPMENT
705 South Duff Avenue • Ames, Iowa 50010 • AC 515 232-3563

705 South Duff Avenue • Ames, Iowa 50010 • AC 515 232-3563

ADD. 5546-3

202. SOUTH DAKOTA

DR 61 KECK LOGGER

DATE 7/2/76 BY WOHLER

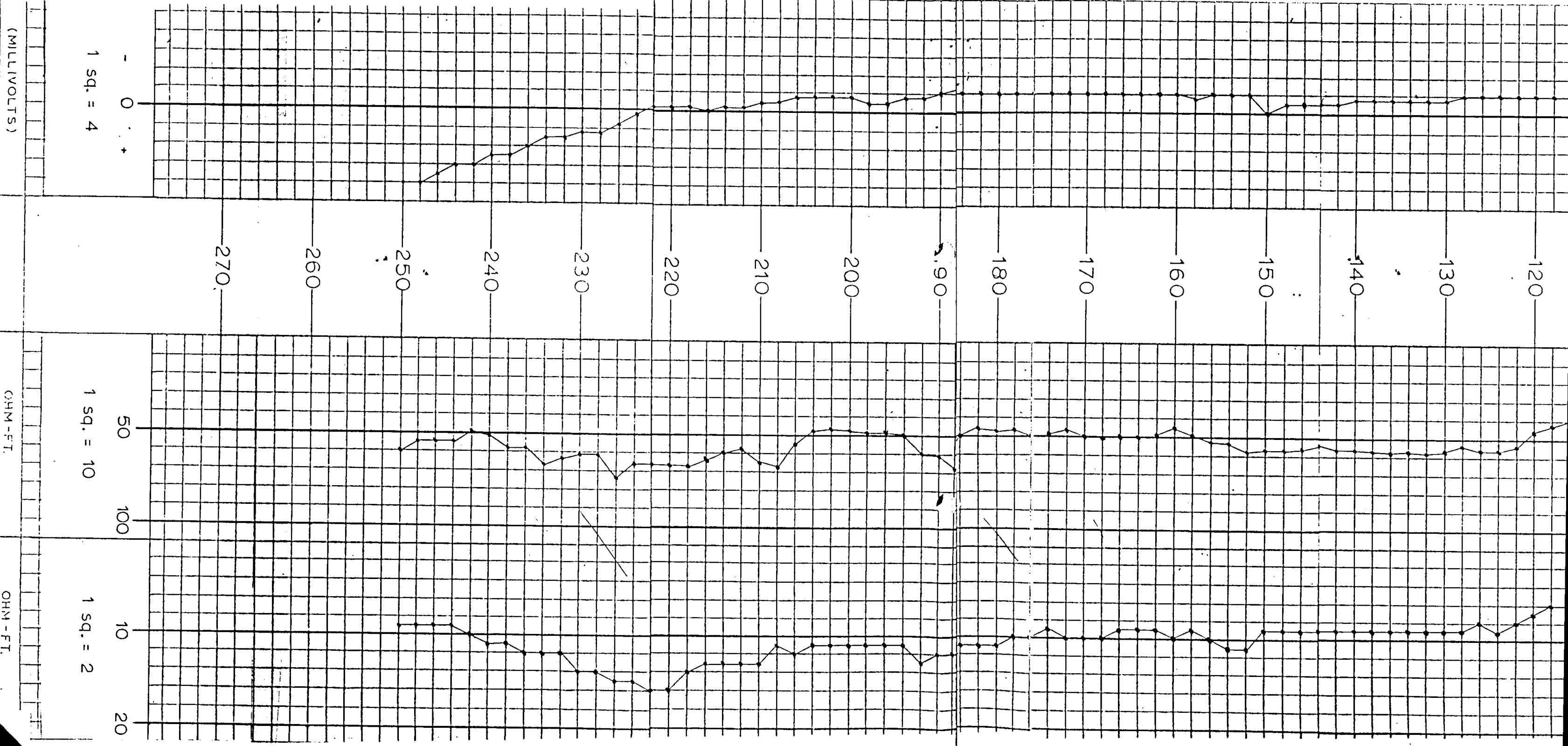
SP LOG (MILLIVOLTS)

BORING LOG (FT.)

0.25 FT. NORMAL

2.5 FT. NORMAL

$$1 \text{ sq.} = 4$$
$$1 \text{ sq.} = 10$$
$$1 \text{ sq.} = 2$$



5546-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 16, 2015

NOTICE

TO: FACILITIES MGMT - USD, MARK NEITZKE, 414 E CLARK ST, VERMILLION, SD 57069
2390

FROM: Ron Duvall, Natural Resources Engineer
for Garland Erbele, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2014 Irrigation Questionnaire(s)

Our records indicate your 2014 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5545-3, 5546-3, 6021-3 & 7137-3. The request for the Questionnaire was dated October 17, 2014. The Water Management Board has directed that owners of water permits who have not submitted the 2014 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5545-3, 5546-3, 6021-3 & 7137-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **10:00 am, March 4, 2015** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5545-3, 5546-3, 6021-3 & 7137-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 4, 2015** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182

January 23, 2015

Nate Steele
Facilities Management – USD
414 E Clark St
Vermillion SD 57069

RE: Water Permit or Right Nos. 5545-3, 5546-3, 6021-3 & 7137-3

Dear Mr. Steele:

I am writing to acknowledge receipt of the 2014 irrigation questionnaires for USD.

You may disregard the January 16, 2015, "Notice" concerning reporting requirements for Water Permit or Right Nos. 5545-3, 5546-3, 6021-3 & 7137-3. The information was received in our office prior to the Water Management Board meeting and no violation has occurred.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



5546-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
PMB 2020
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
www.state.sd.us/denr

January 15, 2016

NOTICE

TO: FACILITIES MGMT - USD, NATE STEELE, 414 E CLARK ST, VERMILLION, SD 57069 2390

FROM: Ron Duvall, Natural Resources Engineer
for Jeanne Goodman, Chief Engineer
Water Rights Program

SUBJECT: Reporting Requirement for 2015 Irrigation Questionnaire(s)

Our records indicate your 2015 Irrigation Questionnaire(s) has not been submitted for Permit No(s) 5545-3, 5546-3, 6021-3 & 7137-3. The request for the Questionnaire was dated October 23, 2015. The Water Management Board has directed that owners of water permits who have not submitted the 2015 Irrigation Questionnaire(s) be given notice of permit violation and a hearing to be held by the Board. The hearing is to determine what action is to be taken for violation of Water Permit No(s) 5545-3, 5546-3, 6021-3 & 7137-3 qualification:

"This permit is approved subject to the Irrigation Water Use Questionnaire being submitted each year."

The hearing will be held at **Thursday, March 3, 2016 at 9:30 am (Central Time)** in the Floyd Matthew Training Center, Joe Foss Building, 523 E Capitol Avenue, Pierre, SD and will be conducted pursuant to SDCL 46-1-12, 46-1-14, 46-2-9, 46-2-11 and 46-2-17. These are contested case hearings pursuant to Chapter 1-26. According to SDCL 46-1-12, the Board may suspend a permit for a period of up to one year for the first violation of a permit qualification or up to three years for a second violation, or cancel a permit for a third violation. Following the hearing, the Water Management Board can:

1. Suspend or cancel Permit No(s) 5545-3, 5546-3, 6021-3 & 7137-3 in accordance with applicable provisions of SDCL 46-1-12;
2. Postpone any action; or
3. Take no action.

The hearing is an adversary proceeding. The permit owner has the right to be present or to be represented by a lawyer. These and other due process rights will be forfeited if they are not exercised. Decisions of the Board may be appealed to the Circuit Court and the State Supreme Court as provided by law.

If the questionnaire(s) is (are) received in this office before the **March 3, 2016** hearing you will no longer be in violation of your permit and your name will be removed from the Board agenda. Enclosed are additional questionnaire(s) for your use. If you have questions or need assistance, please contact Genny McMath at (605) 773-3352 or email at genny.mcmath@state.sd.us. If you prefer, you can complete the questionnaire online at the following link: <http://denr.sd.gov/iq.aspx>

NOTE: Please contact the Water Rights Program, Joe Foss Building, 523 E Capitol, Pierre, SD (605-773-3352) to assure access to the meeting room for the handicapped or to obtain an interpreter for the hearing impaired.



5546-3
DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

January 21, 2016

Nate Steele, Grounds & Landscaping Mgr
University of South Dakota
414 E Clark St
Vermillion SD 57069

RE: Water Right/Permit Nos. 5545-3, 5546-3, 6021-3 & 7137-3

Dear Mr. Steele:

I am writing to acknowledge receipt of the 2015 irrigation questionnaires for the above listed water rights and water permit. The forms were received on-line on January 15, 2016.

You may disregard the January 15, 2016, "Notice" concerning reporting requirements for Water Right Nos. 5545-3, 5546-3, 6021-3 and Water Permit No. 7137-3. The information was received in our office prior to the Water Management Board meeting and the issue has been deleted from the agenda.

If you have any questions, please contact me.

Sincerely,

Genny McMath
Water Rights Program
(605) 773-3352
email: genny.mcmath@state.sd.us



**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

April 24, 2024

5546-3

USD Facilities Mgmt
c/o Nate Steele
414 E Clark St – DV 201
Vermillion SD 57069

Dear Mr. Steele:

I am writing in regard to Water Right No. 5546-3. The water right authorizes diversion 0.443 cfs (approx. 200 gpm) of water from groundwater, one well, completed into the Lower Vermillion Missouri Aquifer, for the irrigation of 31 acres in the N ½ NW ¼ Section 18-T92N-R51W & NE ¼ Section 13-T92N-R52W.

In reviewing your 2023 irrigation questionnaire, we have found discrepancies in the amount of water used and have some concerns. Enclosed is a copy of your questionnaire for reference purposes.

Water Right No. 5546-3 allows you to use up to 2 acre-feet (ac-ft) (24 inches) of water, per acre, per year. On the questionnaire you reported substantially more water use. The following information is what was reported and what is authorized:

- 31 acres irrigated
- Reported water use – 100.9 ac-ft of water (approximately 39 inches)
- Authorized water use – 62 acre-feet (31 acres x 2 ac-ft per year)

We realize that water use depends greatly on climactic conditions and may vary year to year. However, it is very rare that irrigators come close to the 24 inches per acre that is authorized. Typical water use is between 8 and 12 inches per acre. The information we receive each year from irrigators across the state is very valuable. The water use data supplied by irrigators is one of the tools we use to help determine whether an aquifer or stream is nearing full appropriation.

If you do in fact apply as much water as claimed on your questionnaire, you are exceeding the limits of your water right and will have to reduce your discharge to stay within the authorized limit. If you simply estimated your water use, we ask that you please ensure the information reported is as accurate as possible. As stated before, the information you provide to us is very valuable. If you have any questions, please contact me.

Sincerely,

Amanda Dewell
Water Rights Program
605 773-3352
Amanda.Dewell@state.sd.us

NOTE: Water Right No. 5546-3 authorizes a diversion rate of 0.443 cubic feet of water per second (approx. 200 gallons per minute). The 2023 irrigation questionnaire you submitted lists a pump rate of 400 gpm. A new permit would be required to increase the rate of diversion from 0.443 cfs to 0.89 cfs.

enclosure